

**RESOLUTION NO. 75000****A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSÉ, DECLARING RESULTS OF SPECIAL MAILED-BALLOT ELECTION WITHIN CONVENTION CENTER FACILITIES DISTRICT NO. 2008-1, CITY OF SAN JOSÉ, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA**

**WHEREAS**, the City Council of the City of San José (the “City”) has conducted proceedings under and pursuant to the terms and provisions of Chapter 14.32 of the San José Municipal Code (the “Chapter”) and, as provided therein, under the provisions of the Mello-Roos Community Facilities Act of 1982 (Sections 53311 and following of the California Government Code) as they existed at the time of the adoption of the Chapter (the “Act”), and as modified by the Chapter, to form its Convention Center Facilities District No. 2008-1, City of San José, County of Santa Clara, State of California (the “Convention Center Facilities District”), to authorize a special tax and to authorize the issuance of debt to finance the acquisition, construction, reconstruction, replacement, rehabilitation and upgrade of the San José Convention Center, and to establish the appropriations limit for the Convention Center Facilities District, all as set forth in the City Council’s Resolution No. 74826 (Resolution of Formation) and Resolution No. 74827 (Resolution Deeming it Necessary to Incur Bonded Indebtedness), both adopted on March 10, 2009 (collectively, the “Formation Resolutions”); and

**WHEREAS**, in order to confer upon the City Council the authority contained in the Formation Resolutions, a two-thirds approving vote by the qualified electors within the Convention Center Facilities District is required; and

**WHEREAS**, a special, mailed-ballot election has been conducted pursuant to the City Council’s Resolution No. 74828, adopted March 10, 2009, to which reference is made for further particulars; and

**WHEREAS**, a Certificate of Mailing Special Election Ballots executed by Willdan Financial Services, Inc. on behalf of the City Clerk, has been filed with the City Council; and

**WHEREAS**, certain errors were discovered in the ballot pamphlets mailed with the ballots; and

**WHEREAS**, corrected ballot pamphlets were mailed to the voters as evidenced by a Certificate of Mailing Corrected Ballot Pamphlets executed by Willdan Financial Services, Inc. on behalf of the City Clerk, which has been filed with the City Council; and

**WHEREAS**, a Certificate of Clerk Re: Receipt Of Executed Ballots, and Declaring Election Results, executed by the City Clerk, has been filed with the City Council; and

**WHEREAS**, the City Council has received, reviewed and hereby accepts all of the certificates described in these recitals and wishes by this resolution to declare the results of the special mailed-ballot election.

**NOW, THEREFORE**, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSÉ THAT:

1. The City Council hereby finds and determines and declares that the ballot measure submitted to the qualified electors of the Convention Center Facilities District has been passed and approved by those qualified electors in accordance with Section 14.32.430 of the Chapter by the following tally:

Total Votes Cast: 8,941

Total Votes Cast "Yes:" 5,955

Total Votes Cast "No:" 1,708

The percentage of those votes cast that were cast "yes," is 78%.

2. The City Council hereby authorizes and directs the City Clerk to cause a Notice of Special Tax Lien to be prepared and to be recorded with the County Recorder of the

County of Santa Clara in accordance with the provisions of Section 3114.5 of the Streets and Highways Code and Section 53328.3 of the Act. The Notice shall be recorded in the County Recorder's office within fifteen days of today's date.

ADOPTED this 16th day of June, 2009, by the following vote:

AYES: CAMPOS, CHU, CONSTANT, HERRERA, KALRA,  
LICCARDO, OLIVERIO, PYLE; REED.

NOES: NONE.

ABSENT: CHIRCO, NGUYEN.

DISQUALIFIED: NONE.

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CHUCK REED  
Mayor

ATTEST:

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LEE PRICE, MMC  
City Clerk